

Serial No. 09/774,311

### **REMARKS**

The specification has been amended in pages 1 to correct a spelling error in the application Title. The specification has also been amended in pages 1 and 7 to reference an issued United States Patent.

Claims 1, 4, 6, 9-11, 14, 16, 19 and 20 have been currently amended. Claims 7, 8, 17 and 18 are as originally filed. Claims 2, 3, 5, 12, 13 and 15 have been canceled.

#### **Claim Rejections Under 35 U.S.C. § 112**

The Examiner had rejected claims 3-10 and 13-20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully submitted that the amendments to the claimed have obviated the Examiner's grounds for rejection under 35 U.S.C. § 112.

Specifically, the subject matter of claims 3 and 13, has been incorporated into claims 1 and 10, respectively, and the objected to "substantially" has been eliminated.

Claim 6 has been amended to provide a proper antecedent and to clarify that the detector further determines whether the picture has ended before the expected time for the picture to end.

Similarly, claim 9 has been amended to also provide a proper antecedent and to clarify that the detector also determines whether the picture has ended after the expected time for it to end.

Claim 16 has been amended to provide a proper antecedent and to clarify that the step of determining further determines whether the picture has ended before the expected time for the picture to end.

Similarly, claim 19 has been amended to also provide a proper antecedent and to clarify that the step of determining also determines whether the picture has ended after the expected time for it to end.

#### **Claims Rejection Under 35 U.S.C. § 103**

The Examiner had rejected original claims 1, 2, 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,459,811 issued to R. N. Hurst, Jr. On October 1, 2002, filed April 1, 1999 in view of United States Patent No. 5,652,627 issued to J. R. Allen on July 29, 1997.

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It is respectfully submitted that the amendments to the claims have obviated the Examiner's grounds for rejection under 35 U.S.C. § 103(a).

Specifically, it is noted that the Examiner had indicated that claims 5, 7, 8, 10, 15, 17 and 18 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

To this end, claim 1, as currently amended, now includes the limitation of claims 2, 3 and 5. Claims 4, 6 and 9 have been amended to be dependent from claim 1. Claim 11 has been amended to include all the limitations of claims 12, 13 and 15. Claims 14, 16 and 19 have been amended to be dependent from claim 11.

Therefore, it is believed that claims 1 and 11, as currently amended, are allowable for the reasons set forth above.

Claims 4 and 6-10 are dependent from claim 1, as currently amended, and therefore include all the inventive elements of claim 1, as currently amended, which is believed to be allowable, so too, claims 4 and 6-10 should also be allowed over the rejection based on 35 U.S.C. § 103(a).

Similarly, Claims 14 and 16-20 are dependent from claim 11, as currently amended, and therefore include all the inventive steps of claim 11, as currently amended, which is believed to be allowable, so too, claims 14 and 16-20 should also be allowed over the rejection based on 35 U.S.C. § 103(a).

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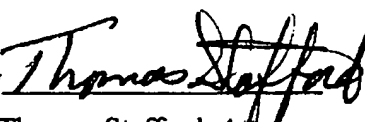
Claims 1, 4, 6-11, 14 and 16-20 remain in this application.

It is believed that this application is now in condition for allowance.

Reconsideration and allowance are therefore respectfully solicited.

If there are still outstanding issues to be resolved, the Examiner is respectfully invited to call applicant's attorney, Thomas Stafford, at 727-772-4173 so that those issues may be discussed and satisfactorily resolved.

Respectfully,  
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By   
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